

REMARKS

Summary of the Office Action

Claims 1-20 are pending.

A restriction requirement has been imposed between the invention of claims 1-16 (Group I), drawn to a catheter, and claims 17-20 (Group II), drawn to a method for delivering a prosthesis. Claims 17-20 have been withdrawn from consideration.

Claims 1 and 11 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 2-10 and 12-16 are dependent to claims 1 and 11 and, therefore, stand rejected for the same reason.

Claims 1-8 and 10-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent 6,273,910 to Limon (hereinafter "Limon").

Claims 9 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Limon.

Summary of Response

Claims 3, 5, 10 and 12 have been amended to correct minor errors. The amendments are unrelated to any cited prior art, and no new matter has been added.

The rejections of claims 1-16 are traversed.

Restriction

Applicants hereby affirm the provisional election to prosecute the invention of Group I, claims 1-16.

Rejections Under 35 U.S.C. § 112, second paragraph

Claims 1 and 11 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite, because "[i]t is not clear whether or not the claimed invention includes a combination of 'a vascular prosthesis having a radial self-expanding distal section and a proximal helical section' and a catheter." Claims 2-10 and 12-16 depend from claims 1 and 11, respectively, and stand rejected for the same reason. Applicants respectfully traverse this ground of rejection.

Claims 1 and 11 are directed to catheters for the delivery of a certain kind of vascular prosthesis. Specifically, the claimed catheters are designed for the delivery of a prosthesis of the type shown in Figs. 1 and 2 of

the application. This is reflected in the structure of the claims which each recite "[a] catheter for delivering a vascular prosthesis within a body vessel, the vascular prosthesis having a radially self-expanding distal section and a proximal helical section, the catheter comprising:..." The punctuation structures the preamble to indicate that the claims are for a catheter for delivering a particular type of prosthesis and that the catheter comprises the elements recited in the remainder of the claim. The portion of the preamble set off by commas merely describes the type of prosthesis. Clearly, claims 1 and 11 are directed to a catheter and not to a combination of a catheter and prosthesis.

Accordingly, it is respectfully requested that the rejections under 35 U.S.C. § 112 be reconsidered and withdrawn.

Rejections Under 35 U.S.C. § 102(b)

Claims 1-8 and 10-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Limon. Applicants respectfully traverse this ground of rejection.

Claim 1 recites, in pertinent part, "means for engaging the distal section of the vascular prosthesis to prevent axial translation of the vascular prosthesis during

proximal retraction of the sheath, *the means for engaging affixed to the elongated member proximal of the balloon.*"

That is, the means for engaging the distal portion of the prosthesis is disposed on the inner member of the catheter at a position proximal of the balloon.

In contrast, Limon only discloses that "ridges/collards (sic)/polymer layers/shoulders/raised features 43" are disposed on the balloon. See Fig. 10, and column 8, lines 36-53. Because Limon does not disclose the means for engaging is proximal of the balloon, Limon is distinguished by claim 1, as well as by claims 2-8 which depend therefrom.

Claim 11 recites "a polymer layer affixed to the elongated member proximal of the balloon." As provided herein above regarding claim 1, Limon fails to disclose a polymer layer (i.e., a means for engaging) disposed proximal of the balloon. Therefore, Limon is distinguished by claim 11, as well as by claims 12-15 which depend therefrom.

Rejections Under 35 U.S.C. § 103(a)

Claims 9 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Limon. Applicants respectfully traverse this rejection.

Claims 9 and 16 depend from claims 1 and 11, respectively. Accordingly, they distinguish over Limon for at least the same reasons given above.

It is respectfully requested, therefore, that the rejection of claims 9 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Limon be reconsidered and withdrawn.

Conclusion

In view of the foregoing amendments and remarks, applicants submit that the application, including claims 1-16, is in condition for allowance. An early and favorable response is earnestly requested.

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Respectfully submitted,

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